

REMARKS**I. Claim Objections**

Claims 11-13 are objected to because of the following Informalities: the Examiner indicated there is a typographical error on line 5 of claim 11 on page 24. The Examiner indicated that appropriate correction is required. The Applicant has therefore amended claim 11 so that the typo -- 8 - has been deleted. The Applicant submits that the objection to claim 11 has now been overcome and respectfully requests withdrawal of the objection to claims 11-13.

II. Claim Rejections – 35 U.S.C. § 103***Requirements for Prima Facie Obviousness***

The obligation of the examiner to go forward and produce reasoning and evidence in support of obviousness is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness by the Examiner (assuming there are no objections or other grounds for rejection), an

applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992). Thus, in order to support an obviousness rejection, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met.

Steiner in view of Lightner

Claims 1-4 and 11, 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner (U.S. Patent No. 6,577,226) in view of Lightner, et al., hereinafter "Lightner" (U.S. Patent No. 6,732,031).

Regarding claims 1-3, 11, 13-16, the Examiner argued that Steiner teaches a latch communications system (citing FIG. 2 of Steiner), comprising: a communications receiver and transmitter unit (citing reference numeral 68 of Steiner) associated with a latch (citing reference numeral 22 of Steiner); an interface component (citing reference numeral 90 of Steiner) for interfacing with the communications receiver and transmitter unit (citing col. 4, lines 41-45 and col. 4, lines 62-65 of Steiner), wherein the interface component is co-located with the communications receiver and transmitter unit in association with the interface component and the communications and transmitter unit, wherein the interpreter processes information received from the communications receiver and transmitter unit in order to provide latch functionalities (citing col. 4, lines 38-45 of Steiner). The Examiner admitted that Steiner is silent on the teaching of providing latch diagnostics. The Examiner argued, however, that Lightner is an art related vehicle diagnostic system for vehicle invention that teaches a host computer (citing reference numeral 12 of Lightner) interfacing with a vehicle system for providing diagnostic including the status of the door lock system (citing col. 6, lines 36-40 of Lightner) in order to characterize a vehicle performance and to detect problems relating to the operation of the vehicle.

The Examiner asserted that it would have been obvious to one of ordinary skill in the art for the interpreter to provide latch diagnostics in Steiner as evidence by Lightner, because the Examiner argued that Steiner teaches a wireless control system for a vehicle for controlling the vehicle functionalities and teaches a host computer interfacing with a vehicle system for providing diagnostic including the status of the door lock system in order to characterize a vehicle performance and to detect problems relating to the operation of the vehicle.

The Applicant respectfully disagrees with this assessment. The transceiver 68 of Steiner is not associated with the latch 22. Instead, FIG. 2 of Steiner shows a transceiver 68 associated with a controller 66 and an antenna 72, but does not shown an association between the latch 22 and the transceiver 68. As such, the Examiner is incorrect in asserting that the Steiner teaches a communications receiver and transmitter unit associated with a latch 22. How is component 22 associated with component 68 when there is no association between the two components? The Examiner has not provided an explanation to the contrary.

Regarding the Examiner's arguments that reference numeral 90 of Steiner refers to an interface component as taught by Applicant's invention, the Examiner notes that reference numeral 90 is not an interface component, but instead merely an "electrical signal 90 output from the antenna 72" (see Col. 4, lines 63-64 of Steiner). How does an electrical signal 90 constitute an interface component as taught by Applicant's invention? The Examiner has made a statement that reference numeral 90 of Steiner is an interface component, without providing any explanation justifying this assertion.

It is unclear how an electrical signal constitutes an interface component as taught by Applicant's invention. Applicant's invention relates to an interface component for interfacing with the communications receiver and transmitter unit, wherein the interface component is co-located with the communications receiver

and transmitter unit in association with the latch. The electrical signal 90 of Steiner cited by the Examiner clearly does not teach an interface component for interfacing with the communications receiver and transmitter unit, wherein the interface component is co-located with the communications receiver and transmitter unit in association with the latch. The Applicant notes that col. 4, lines 41-45 and col. 4, lines 62-65 cited by the Examiner do not provide any teaching for an interface component as taught by Applicant's invention.

The Examiner also asserted that component 66 of Steiner functions as an interpreter as taught by Applicant's invention. Recall that Applicant's invention teaches an interpreter associated with an interface component and a communications and transmitter unit, wherein the interpreter processes information received from the communications receiver and transmitter unit in order to provide latch diagnostics and functionalities. Such an interpreter is not a controller. Steiner provides no evidence that the controller 66 processes information received from the communications receiver and transmitter unit in order to provide latch diagnostics and functionalities. Where are such latch diagnostics and functionalities taught by Steiner? On the contrary, col. 4, lines 38-45 of Steiner does not provide any teaching of providing latch diagnostics and functionalities from controller 66.

The "interpreter" taught by Applicant's invention is clearly not a controller. An example of an interpreter implementation is taught by Applicant's specification at paragraph 0022, which states that the interpreter 306 can be implemented as a microprocessor that processes data received from the UART, or as a logic array that performs a particular function based on particular data received from the UART. A microprocessor is not a controller. Thus, the Examiner's assertion that the controller 66 of Steiner is an interpreter as taught by Applicant's invention is incorrect. A controller does not process information. Instead, a controller has a controlling function, not an information processing function.

Lightner does not disclose all of the following claim limitations: a communications receiver and transmitter unit associated with a latch; an interface component for interfacing with the communications receiver and transmitter unit, wherein the interface component is co-located with the communications receiver and transmitter unit in association with the latch; an interpreter associated with the interface component and the communications and transmitter unit, wherein the interpreter processes information received from the communications receiver and transmitter unit in order to provide latch diagnostics and functionalities. In order to combine Lightner with Steiner as suggested by the Examiner, Steiner and Lightner together must disclose all of the foregoing claim limitations. The Examiner has not explained how Lightner discloses all of the foregoing claim limitations and instead has argued that Lightner teaches the elements of Applicant's dependent claims 2-3 without explaining how Lightner teaches the elements of Applicant's claim 1. Note that the arguments above apply equally to the rejection to claims 11 and 13-16.

Regarding claim 11, the Applicant notes that Steiner and/or Lightner do not teach all of the following claim limitations: a latch communications system, comprising: a communications receiver and transmitter unit associated with a latch; an interface component for interfacing with the communications receiver and transmitter unit, wherein the interface component is co-located with the communications receiver and transmitter unit in association with the latch; an interpreter associated with the interface component and the communications and transmitter unit, wherein the interpreter processes information received from the communications receiver and transmitter unit in order to provide latch diagnostics and functionalities, wherein the interpreter comprises a logic array that performs a particular function based on particular data received from the interface component; and a wireless communications component for wirelessly communicating data between the communications receiver and transmitter unit and a host computer. Where, for example, do Steiner and Lightner teach an interpreter comprising a logic

array? There is not teaching of such a logic array for an interpreter in either Steiner or Lightner. Additionally, as indicated above, Steiner does not teach an interpreter as taught by Applicant's invention but instead teaches a controller 66, which is a controlling mechanism and not an interpreter.

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 1-3, 11, 13-16 fails under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination, particularly in light of the evidence above that demonstrates Steiner and/or Lightner lack the essential teaching of claim limitations such as, for example, the interpreter, interface component, and so forth. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point

out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 1-3, 11, and 13-16 of the present invention are not taught or suggested by Steiner and/or Lightner. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner. Withdrawal of the §103(a) rejection to claims 1-3, 11, and 13-16 is therefore respectfully requested.

Regarding claims 4 and 17, the Examiner argued that Steiner teaches a wired connection between the Interpreter 66 and the transceiver 68 as shown in FIG. 2. The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claims 1-3, 11, and 13-16 apply equally to the rejection to claims 4 and 17. As indicated above, the controller 66 of Steiner is not an interpreter as taught by Applicant's invention. The Examiner has not provided any evidence to the contrary, which demonstrates that a controller is the same thing as an interpreter, one example of which Applicant's specification indicates is a microprocessor. How is a controller the same type of device as a microprocessor? Thus, the Examiner's argument that Steiner teaches a wired connection between the controller 66 and the transceiver 68 as shown in FIG. 2 is flawed because reference numeral 66 of Steiner does not refer to an interpreter as taught by Applicant's invention, but instead teaches a controller.

As such, claims 4 and 17 of the present invention are not taught or suggested by Steiner and/or Lightner. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest

all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner. Withdrawal of the §103(a) rejection to claims 4 and 17 is therefore respectfully requested.

Steiner, Lightner, Heaston

Claims 5 and 8 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Lightner and further in view of Heaston et al., hereinafter "Heaston" (U.S. Patent No. 5,748,422).

Regarding claims 5 and 18, the Examiner argued that Steiner teaches a wired connection between the interpreter (citing reference numeral 66 of Steiner) and the transceiver (citing reference numeral 68) as shown in FIG. 2 of Steiner. The Examiner admitted that Steiner is silent on teaching a voltage level shifter for transforming voltage level for communication within the interface component. The Examiner argued, however, that Heaston et al in an art related power latch invention teaches the use of a voltage level shifter for transforming a voltage to a desired level (citing col. 6, lines 21-30 of Heaston) in order to satisfy the voltage level requirement of an interface unit.

The Examiner therefore argued that it would have been obvious to one of ordinary skill in the art to have a voltage level shifter in Steiner in view of Lightner as evidenced by Heaston because Onuma et al (?) suggests an interpreter interfacing with the transceiver and Heaston teaches the use of a voltage level shifter for transforming a voltage to a desired level in order to satisfy the voltage level requirement of an interface unit.

The Applicant respectfully disagrees with this assessment and submits that the arguments provided above against the rejection to claims 1-4 and 11, 13-17 with respect to Steiner and Lightner apply also to the rejection to claims 5 and 18. The

Applicant also notes that the Examiner has referred to Onuma et al, but has not cited any section of Onuma et al as a basis for the rejection. The Applicant submits that without further explanation, the reference to Onuma et al is improper.

As indicated previously, reference numeral 66 of Steiner does not teach an interpreter as taught by Applicant's invention, but instead refers to a controller, which is not an interpreter. Applicant's claim teaches that the direct wire connection comprises a voltage level shifter for transforming voltage levels for communication with the interface component. Col. 6, lines 21-30 of Heaston does not teach such a voltage level shifter and also does not teach an interface component as taught by Applicant's invention. Instead Col. 6, lines 21-30 of Heaston cited by the Examiner refers to the following:

Since the source of FET 14 is referenced to B +, this causes the drain voltage of FET 14 to decrease until equilibrium is reached. Transistor 32 thus serves as a level shifter in the voltage regulating mode of operation to create a negative feedback loop in which an increase in the source voltage of FET 14 causes an increase in the drain/source voltage drop across FET 14 to prevent the drain voltage thereof from rising significantly above the fixed limit voltage. As the overvoltage condition eases and disappears, the operational amplifier causes transistor 32 to go back into saturation and return FET 14 to switching mode.

There is no teaching here of a voltage level shifter, or an interface component as taught by Applicant's invention or a voltage level shifter for transforming voltage levels for communication with the interface component. Instead, there is only reference to an FET 14 and its operations, but no actual teaching of a voltage level shifter as taught by Applicant's invention, and particularly in combination with an interface component. Recall as explained previously that neither Steiner nor Lightner, alone or in combination with one another teach such an interface component (Steiner merely refers to an electrical signal).

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 5 and 18 fails under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 5 and 18 of the present invention are not taught or suggested by Steiner and/or Lightner and/or Heaston. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner and/or Heaston.

Withdrawal of the §103(a) rejection to claims 5 and 18 is therefore respectfully requested.

Steiner, Lightner, Knight

Claims 6-10, 12, and 19-20 were rejected under 35 U.S.C. 103(a) by the Examiner as being unpatentable over Steiner in view of Lightner and further in view of Knight et al, hereinafter "Knight" (U.S. Patent Application Publication No. 20030167345).

Regarding claims 6-10, 12, and 19-20, the Examiner argued that Steiner teaches an interface for transmitting and receiving data between the transceiver (citing reference numeral 68 of Steiner) and the controller (arguing "interpreter" and citing reference numeral 66 of Steiner) as shown in FIG. 2 of Steiner. The Examiner admitted that Steiner is silent on teaching the interface comprises a UART. The Examiner argued, however, that Knight in an art related vehicle communications system invention teaches the use of a UART in the vehicle communication interface (citing paragraph 00189 of Knight) and that the UART transmits in parallel by assembling the bit received into bytes and transmitting the assembled bytes to the processor (citing paragraph 00188 of Knight). The Examiner also argued that Knight further teaches integrating the UART and having the UART separate (citing paragraph 0164 of Knight) based on the desired application.

The Examiner argued that it would have been obvious to one of ordinary skill in the art for the interface to comprise a UART in Steiner in view of Lightner as evidenced by Knight because the Examiner asserted that Steiner suggests an interface for transmitting and receiving data between the transceiver 68 and the controller and Knight teaches the use of a UART in a vehicle communication system

in order to facilitate the transfer of data between devices with different communication protocol.

The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claims 1-4 and 11, 13-17 apply equally to the rejection to claims 6-10, 12, and 19-20. As indicated previously, the controller 66 of Steiner does not teach an interpreter as taught by Applicant's invention. Additionally, Steiner does not teach the other claim limitations of Applicant's invention, such as an interface component, and so forth. Thus, it is improper to combine Steiner with any other reference as a basis for a rejection under 35 U.S.C. 103.

Applicant's claim 6 generally teaches wherein the interface component comprises a Universal Asynchronous Receiver/Transmitter (UART) which can receive and transmit data serially from the communications receiver and transmitter unit and receive and transmit data in parallel with the interpreter. Applicant's claim 7 indicates that the UART comprises a hardware component separate from the interpreter. Applicant's claim 8 indicates that the UART is integrated with the interpreter. Applicant's claim 9 teaches wherein the Interpreter comprises a microprocessor that processes data received from the UART. Applicant's claim 10 teaches that the interpreter comprises a logic array that performs a particular function based on particular data received from the UART. The Examiner has cited the Knight reference, but has not explained how the UART of Knight functions in association with an interpreter (not a controller).

The Applicant also notes that neither Steiner, Lightner and/or Knight teach, disclose or suggest an interpreter that is based on a microprocessor (not a controller) and/or an interpreter that comprises a logic array. Where are such features evident in Steiner, Lightner and/or Knight? Additionally, the Applicant notes that the UART of Knight does not receive and transmit data in parallel with an

interpreter as taught by Applicant's invention. Similar arguments apply against the rejection to claims 12, and 19-20. For example, Knight provides absolutely no teaching for embedding the interpreter, the UART, and the communications receiver and transmitter unit within the latch, wherein the comprises a vehicle door latch, simply because Steiner, Lightner and/or Knight do not provide any teaching for an embedding step, an interpreter as taught by Applicant's invention, and a UART that functions in association with an interpreter as taught by Applicant's invention.

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 6-10, 12, and 19-20 falls under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point

out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

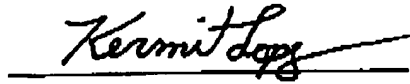
Thus, claims 6-10, 12, and 19-20 of the present invention are not taught or suggested by Steiner and/or Lightner and/or Knight. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner and/or Knight. Withdrawal of the §103(a) rejection to claims 6-10, 12, and 19-20 is therefore respectfully requested.

III. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of the present invention. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kermit Lopez", is written over a solid horizontal line.

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